

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

In re

MICHAEL JAMES GARVEY  
Debtor

Chapter 13  
Case No. 18-50455

**FILED**  
U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF NC  
JUL 27 2018  
STEVEN T. SALATA, CLERK  
CHARLOTTE DIVISION  
MDW

**MOTION FOR EXTENSION OF TIME  
TO FILE REQUISITE FORMS**

Comes now Garvey, as noted in the above caption, drafting pro se due to straightened and extra ordinary circumstances enumerated seriatim:

1) Garvey is now 73 years old, computer illiterate and surviving on substantially less income then poverty level filers and moves the Court to grant the Motion for Extension of Time to file the necessary schedules;

2) Garvey has been subjected to elder legal abuse since 2012 after surviving cancer treatment which required hospitalization. This motion is being submitted for the specific reason of debt relief so as to save his home and in no way should be interpreted to delay any proceeding;

3) In light of Garveys' past attempts in filing acceptable and cogent bankruptcy schedules it is clear he needs legal assistance to prevail;

4) Garvey has contacted numerous attorneys: Max Gardener, Roger Gourley, Jeffery Dolrymple, Wayne Heasley, Chris Karrenstein, Crawford Schultze, David Hitchens, Duncan Law,

Catherine Foodman (Hunter), James Hord, numerous other lawyers and firms as well as the nine (9) remaining names in the "Charlotte Yellowbook" listed under the category of "Attorneys-Bankruptcy".

5) At the present Garvey is attempting to retain Mr. Allen Wood, however Mr. Wood is attempting to re-arrange vacation schedules so as to accommodate an unwanted client incorporated into already heavy case load;

6) Garvey has filed bankruptcy as a last legal attempt to save his home from an UNCONSTITUTIONAL special proceeding in the State Courts which granted a judgment procured by fraud, in the State Courts, I am NOT a bankruptcy abuser. If this Court finds saving the last, and most important financial asset Garvey owns is not a mitigating factor in response to being labeled as a "bankruptcy abuser". He will voluntarily withdraw the instant Chapter 13 filing after the hearing of August 10, 2018;

7) Garvey plans on presenting to this Honorable Court incontrovertible evidence relying on the North Carolina Secretary of States, Ms. Elaine F. Marshall, May 2006 Constitutional handbook evidence. The evidence in question was presented in the Superior Court in Ashe County on July 2, 2018 in Case No. 18CVS92 as prescribed in the Unconstitutional N.C. General Statute 45-21.34 commanding a foreclosure debtor file a separate legal action to enforce equitable defenses not addressable under N.C.G.S. 45-21.16 at which only common law defenses can be made to the five prerequisite requirements of foreclosure under Chapter 45 "Power of Sale" unconstitutional statutes in direct contravention of Article I, § 25 and Article IV, § 13 paragraph 2 of the 1971 N.C. Constitution.

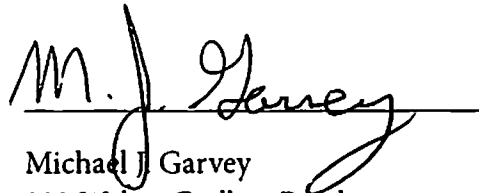
8) Furthermore, the State Courts have allowed the opposing attorneys to submit five (5) different mortgage notes in violation of Rules of Evidence and State Forgery Statutes at § 14-

125 as well as Federal Statutes at USC Title 18 § 484 as well as ignore or overlook the affidavits of the necessary parties, to foreclosure procedure, "Jak" Reeves and Jacqueline Holzer. Garvey is attempting to save his family home from a judgment procured by fraud.

9) Thru information and belief Garvey asserts all of the preceding issues are review-able under the Bankruptcy Statutes to preclude and prohibit the false claims of creditors in bankruptcy proceeding;

10) In summary and conclusion, debtor Garvey requests this Honorable Court grant the Motion for Extension of Time, consider the extra-ordinary benefit of appointing competent bankruptcy counsel to clarify all the issues and prevent a miscarriage of Justice. Please see the dissenting opinions of Justice Webb at page 7 of Kiser v Kiser, 385 S.E. 2d 487 (1989); The work of the Honorable Judge Rebecca B. Knight entitled: The issues will be raised by: Pleadings, motions and the judge on the Judges own motion; The dissent in re lucks by Robert N. Hunter at page 9 in no. COA15-581 filed April 5, 2016, Turner v Blackburn, 389 F. Supp. 1250, 1259 (W.D.N.C. 1975).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. J. Garvey", is written over a horizontal line.

Michael J. Garvey  
330 Walter Godbey Road  
West Jefferson, NC 28694  
336-877-6298

**CERTIFICATION**

Garvey certifies an exact copy of the preceding was mailed First Class on  
26<sup>th</sup> day of July, 2018 year.

Mr. Jeffery Bunday  
Hitchens, et al

6238 Fairview Rd. Ste. 315  
Charlotte, NC 28210

Clerk, U.S. Bankruptcy Ct.  
401 W. Trade St. Rm 111  
Charlotte, N.C. 28202

**VERIFICATION**

Garvey avers the preceding pleading is accurate and true to the best of his knowledge at  
this juncture in time, under penalty of perjury.

26<sup>th</sup> day of July month, 2018 year

M. J. Garvey  
Mike Garvey  
330 Walter Godbey Road  
West Jefferson, NC 28694  
336-877-6298